

Appl. No. 10/538,840
Amendment dated: October 21, 2008
Reply to OA of: February 21, 2008

REMARKS

At the outset, Applicants thank Examiner Swartz for his time and consideration of the above-identified application during the interview with the undersigned and subsequent suggestions for placing the application in condition for allowance.

Applicants submit herewith an Amendment and Request for Continued Examination (RCE). The RCE requests entry and consideration of the Amendment of July 21, 2008. Applicants believe that the present Amendment and Amendment of July 21, 2008 incorporate the changes to the claims as suggested by Examiner Swartz. Accordingly, Applicants respectfully submit that the present application has been amended in a manner that is believed to place it in condition for allowance.

Claims 27-35, 38-43, 45-46, and 48 are pending in the application. Claims 33-34 and 45 have been further amended to address formal matters raised in the Advisory Action issued September 30, 2008. Support for the changes the claims may be found generally throughout the specification and in the original claims. Claim 37 has been amended without prejudice or disclaimer and may be the subject of a continuation or divisional application.

The Advisory Action of September 30, 2008 alleged that the proposed amendments of claims 32 and 33 in the Amendment of July 21, 2008 raised new issues that would require a further search and consideration of the application. In particular, it was alleged that claim 33 was a substantial duplicate of claim 32. As claim 34 is also dependent on claim 32 and contains recitations similar to claim 33, it has been brought to Applicant's attention that claim 34 might also be objected to for being a substantial duplicate of claim 32. Applicants believe that the present Amendment overcome this objection.

In that claim 32 recited two sequences (i.e., SEQ ID NO: 2 and SEQ ID NO:4) and claims 33 and 34 each recited a particular sequence (i.e., claim 33 recited SEQ ID: 2 and claim 34 recited SEQ ID NO:4), Applicants do not believe that claims 33 or 34 were substantial duplicates of claim 32.

Nevertheless, in the interest of advancing prosecution, Claims 33 and 34 have been amended so that it is clear that claim 33 is directed to an amino acid that consists of the amino acids of SEQ ID NO: 2 and claim 34 is directed to an amino acid that

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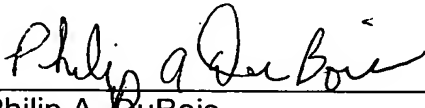
consists of the amino acids of SEQ ID NO: 4. Accordingly, claims 33 and 34 are plainly directed to distinct amino acids and each further limit claim 32.

The Advisory Action also alleged that the proposed amendment of claim 45 raised new issues as the claim recited a first group as "c" and a second group as "b". Applicants believe that the present Amendment overcomes this objection.

Claim 45 has been amended to delete the recitations to "c" and "b." Claim 45 has also been amended to provide antecedent basis for the term "culture supernatant".

In view of the present Amendment and Amendment of July 21, 2008, Applicants most respectfully submit that the present application is in condition for allowance.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
Philip A. DuBois
Registration No. 50,696

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
PAD/amg

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